

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | : | |
| GMA ACCESSORIES, INC., | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| CHARLOTTE SOLNICKI, CHARLOTTE B, LLC, | : | |
| EMINENT, INC., SAKS FIFTH AVENUE, INC., | : | |
| INTERMIX, INC., WINK NYC, INC., | : | 07 CV 3219 (LTS)(DCF) |
| LISA KLINE, INC., GIRLSHOP, INC., | : | |
| SHOWROOM SEVEN STUDIOS, INC., | : | |
| ELECTRIC WONDERLAND, INC., | : | |
| SHOWROOM SEVEN INT'L, | : | |
| SHOWROOM SEVEN, JONATHAN SINGER, | : | |
| GOSI ENTERPRISES, LTD., LEWIS TIERNEY, | : | |
| TIERNEY DIRECT LLC and | : | |
| JONATHAN SOLNICKI, | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

**DECLARATION OF MARY L. GRIECO AND EXHIBITS IN SUPPORT OF SANEI
CHARLOTTE RONSON, LLC'S MOTION TO SEVER AND STAY GMA
ACCESSORIES, INC.'S MOTION FOR CONTEMPT AND IN OPPOSITION TO GMA
ACCESSORIES, INC.'S MOTION FOR CONTEMPT**

MARY L. GRIECO declares as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the States of New York and California and in Washington, D.C. I am an attorney for the non-party, Sanei Charlotte Ronson, LLC ("Ronson"). I submit this declaration in support of Ronson's Motion to Sever and Stay Plaintiff's Motion for Contempt against Ronson and BOP LLC ("BOP") and in support of Ronson's Opposition to Plaintiff's Motion for Contempt.

2. Other than as expressly set forth herein, the matters contained herein are based on my personal knowledge and my direct involvement in this action, the action entitled *Sanei Charlotte Ronson v. GMA Accessories*, 07 Civ. 9578 (RS)(DCF) (the “*Sanei Case*”) and the opposition proceeding before the Trademark Trial and Appeal Board (the “TTAB”) entitled *GMA Accessories, Inc. v. Sanei Charlotte Ronson, LLC*, Opposition No. 91167353 (the “Opposition”).

3. I am one of the attorneys responsible for maintaining Ronson’s trademarks in the United States.

4. On October 8, 2004, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 25 for use on clothing, namely, tops, pants, skirts, dresses, hats, caps, jackets, coats, headwear, underwear, sleepwear, and footwear, Serial No. 78/507,236.

5. On October 11, 2005, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 14 for use on jewelry, namely, necklaces, bracelets, earrings, rings, pins, and watches, Serial No. 78/507,242.

6. On October 28, 2004, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 18 for use on handbags, wallets, luggage, backpacks, travel bags, and cosmetic cases sold empty, Serial No. 78/507,248. The class 14 mark, the class 25 mark and the class 18 mark are collectively referred to as the “CHARLOTTE RONSON Marks” or the “Ronson Marks.”¹

7. Despite the fact that (i) Ronson does not use the first name, CHARLOTTE, separately from the last name, RONSON, as a trademark; (ii) that the word CHARLOTTE is always used in the same color as the name RONSON; and (iii) that the mark is always presented as a unitary whole, GMA opposed these applications based on its federal registrations. The three oppositions, the

¹ The CHARLOTTE RONSON Marks were assigned to Sanei Charlotte Ronson, LLC and the assignments were properly recorded with the USPTO on April 14, 2006.

earliest of which began on October 31, 2005, have all been consolidated under Opposition No. 91167353 before the TTAB. I have been involved with the Opposition since it began.

8. The Opposition has been a hotly contested proceeding. In the course of the Opposition, GMA moved for summary judgment, arguing that the TTAB should refuse to register the CHARLOTTE RONSON Marks as a matter of law. On November 6, 2006, the TTAB denied GMA's motion for summary judgment, noting the numerous other brands in fashion share common personal names: "applicant's evidence of third-party registrations that share a common name in the fashion industry raises a genuine issue of material fact regarding the perception of prospective consumers of applicant's and opposer's marks." *See GMA Accessories, Inc. v. Sanei Charlotte Ronson, LLC*, Opposition No. 91167353 (TTAB Nov. 6, 2006). Ronson currently has a motion for summary judgment pending and GMA has a motion for reconsideration pending. The Opposition has been suspended pending the outcome of the *Sanei* Case.

9. Below are a few examples of trademarks found as a result of an online search of the United States Patent and Trademark Office ("PTO") records that share common names in related classes:

LAUREN

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|--------------------|--------------------|---------------------------------------|----------------|
| LAUREN | 2419959 | PRL USA Holdings, Inc. (Ralph Lauren) | Classes 14, 18 |
| LAUREN | 2246900 | PRL USA Holdings, Inc. (Ralph Lauren) | Class 25 |
| RALPH LAUREN | 2207011 | PRL USA Holdings, Inc. (Ralph Lauren) | Class 25 |
| RALPH LAUREN | 1835393 1972538 | PRL USA Holdings, Inc. (Ralph Lauren) | Class 14 |
| CHAPS RALPH LAUREN | 2966823 | PRL USA Holdings, Inc. (Ralph Lauren) | Class 25 |

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| RALPH RALPH LAUREN | 1969298 | PRL USA Holdings, Inc. (Ralph Lauren) | Class 25 |
| LAUREN SCOTT | 2971539 | Knight Textile Corporation | Class 25 |
| DENA LAUREN Stylized | 2410220 | Lawrence Stevens Fashions, Ltd. | Class 25 |
| JENNIFER LAUREN Stylized | 2410215 | Lawrence Stevens Fashions, Inc. | Class 25 |
| SAGE LAUREN | 1419281 | Grand Knitting Mills, Inc. | Class 25 |
| LAUREN LEE | 1901806 | Rhoda Lee, Inc. | Class 25 |
| LAUREN SARA | 1601004 | Lauren Sara, Ltd. | Class 25 |
| LAUREN GUINOT | 2945272 | Lauren Guinot | Class 14 |
| LAUREN- SPENCER | 2837985 | OTC, Inc. | Class 14 |
| LAUREN G. ADAMS | 2719826 | JJ Gold, Inc. | Class 14 |

GIORGIO

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|--------------------------------------|-----------------|---|----------------|
| GIORGIO BEVERLY HILLS | 1008097 | Giorgio Beverly Hills, Inc. | Classes 18, 25 |
| GIORGIO BEVERLY HILLS & Design | 1050608 | Giorgio Beverly Hills, Inc. | Class 14 |
| GIANI- GIORGIO | 2600385 | Giani-Giorgio (Montres) Ltd. | Class 14 |
| GIORGIO VISCONTI Stylized | 2542196 | GIORGIO VISCONTI S.P.A. | Class 14 |
| GIORGIO | 1428310 | Giorgio Beverly Hills, Inc. | Class 14 |
| GIORGIO ARMANI | 1156891 | GA Modefine S.A. | Class 14 |
| GIORGIO ARMANI | 2890116 | GA Modefine S.A. | Class 25 |
| GIORGIO MORETTO and Design | 1422851 | Calzaturificio Giorgio Moretto & C. S.A.S. | Classes 18, 25 |
| GIORGIO KAUTEN | 2221039 | Progetti Kauten SpA | Classes 18, 25 |

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| GIORGIO FERRARO | 3063355 | Gloria Kim | Class 25 |
| GIORGIO COSANI | 2736790 | Hovsep Kouzouyan | Class 25 |
| GIORGIO BY GIORGIO COSANI | 2724391 | Hovsep Kouzouyan | Class 25 |
| GIORGIO BISSONI | 2510490 | Steven Shapiro | Class 25 |
| GIORGIO EBENNI | 2959266 | M.E.R. Enterprises, Inc. | Class 25 |
| GIORGIO SANETTI Stylized | 2907738 | Sami Marina, Inc. d/b/a Marina Imports | Class 25 |
| GIORGIO REGGIANI | 2786060 | Mabro S.p.A. | Class 25 |
| GIORGIO BRUTINI | 2715464 | Harbor Footwear Group, Ltd. | Class 25 |
| GIORGIO ZILLIONI | 2490699 | Paul Jardin of USA, Inc. | Class 25 |

LIZ

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|------------------------|-----------------|--------------------------------------|-----------------------|
| LIZ THOMAS | 2507659 | Branded LLC | Class 14 |
| LIZ CORD | 2564172 | Elisabeth Cord | Class 14 |
| LIZ GATTA | 2423434 | Liz Gatta | Class 14 |
| LIZ SOTO | 1562095 | Elizabeth M. Soto | Classes 14, 26 |
| LIZ PALACIOS | 2653325 | Liz Palacios Designs | Class 14 |
| LIZ CLAIBORNE & Design | 2784512 | L.C. Licensing, Inc. (Liz Claiborne) | Classes 9, 18, 25, 35 |
| LIZ CLAIBORNE | 1573265 | L.C. Licensing, Inc. (Liz Claiborne) | Class 14 |
| LIZ | 2841408 | L.C. Licensing, Inc. (Liz Claiborne) | Class 25 |
| LIZ & CO. | 2765530 | L.C. Licensing, Inc. (Liz Claiborne) | Class 25 |
| LIZ LANGE | 2360437 | Elizabeth Lange, LLC | Class 25 |
| LIZ & ME | 1431256 | Virginia Specialty Stores, Inc. | Class 25 |
| LIZ PHILLIPS | 1429324 | Ada Outerwear, Ltd. | Class 25 |

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| LIZ BAKER | 1276301 | J.C. Penney Private Brands Inc. | Class 25 |
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KATE

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|------------------------|--------------------|--|----------------|
| KATE SPADE NEW YORK | 3092920 | Kate Spade, LLC | Class 14 |
| KATE SPADE | 2578942 | Kate Spade, LLC | Class 25 |
| KATE LANDRY | 2977007 | Dillard's Inc. | Class 14 |
| KATE LANDRY | 2086397 | Dillard's Inc. | Class 25 |
| KATE MACK | 2903269 | Biscotti, Inc. | Class 18, 25 |
| KATE MILLER | 2998401 | WE s.n.c. Marco Crevani & Roberto Ugolini | Class 25 |
| KATE LORD | 2830925 2925694 | Ahead, Inc. | Class 25 |
| KATE O'CONNOR | 2914228 | Kate O'Connor | Class 25 |
| KATE HILL | 2521282 | Mary Department Stores Company | Class 25 |
| KATE SYLVESTER | 2572808 | Wayne Fraser Conway & Kate Elizabeth Sylvester | Class 25 |
| KATE KANYON | 2370865 | Canyon View Cashmere, LLC | Class 25 |
| KATE COLLINS | 1370260 | El & E Novelty Co., Inc. | Class 25 |

CARLA

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|--------------------------------|-----------------|-------------------------------------|--------------------|
| CARLA CARINI Stylized | 2904276 | Carla Carini S.p.A. | Class 25 |
| CARLA FRACCI | 2706093 | Carla Fracci | Classes 14, 24, 25 |
| CARLA CONTI | 2090658 | Canmi, S.A. De C.V. | Class 25 |
| CARLA | 0868384 | Carla Jewelry Corp. | Class 14 |
| CA CARLA AMORIM Stylized | 2845096 | CK Amorim Ltda. | Class 14 |

DIANE

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|---------------------------|-----------------|-------------------------------------|-------------------|
| PRINCESS DIANE (Stylized) | 1387179 | Diane Von Furstenberg Studio | Classes 3, 25 |
| DIANE VON FURSTENBERG | 2877401 | Diane Von Furstenberg Studio | Classes 9, 14, 24 |
| DIANE POITIERS and Design | 3087137 | Emcoltex Ltda. | Class 25 |
| DIANE RAULSTON | 3117663 | Diane Raulston | Class 25 |
| DIANE GILMAN | 2433104 | Diane Gilman | Class 18, 25 |
| KELLY AND DIANE | 2398751 | Maggy London International, Ltd. | Class 25 |
| DIANE'S ESSENTIALS | 2389485 | GMR Fashion, Inc. | Class 25 |
| DIANE PETERSON | 2371620 | Winston Apparel Co., Ltd. | Class 25 |
| DIANE DALIS | 2290791 | Compagnie Des Vosges | Class 25 |
| MAX AND DIANE | 1457584 | Trans Fashion Industries, Inc. | Class 25 |
| DIANE LILLI | 1411387 | Miss Eileen IV, Inc. | Class 25 |
| DIANE FREIS Stylized | 1354293 | Diane Freis | Class 25 |

GIO

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|---------------------|-----------------|-------------------------------------|----------------|
| GIO MORETTI | 1466096 | Bronx S.R.L. | Class 18, 25 |
| GIO CELLINI | 2543722 | DiMauro Srl. | Class 18, 25 |
| GIO' | 2185424 | GA Modefine S.A. | Classes 3, 25 |
| GIO BRASSERO | 1592116 | S&K Famous Brands, Inc.. | Class 25 |
| GIO MONACO & Design | 2829240 | Pietro Ascione | Class 14 |

CHRISTIAN

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|----------------------------|--------------------|---|--------------------------|
| RALPH CHRISITAN | 3108078 | Timepieces International Inc. | Class 14 |
| CHRISITIAN LACROIX | 2896646 | Christian Lacroix Corporation | Class 8, 14, 21 |
| CHRISITIAN LACROIX | 1499154 | Societe Christian Lacroix Company | Classes 3, 9, 14, 18, 25 |
| CHRISTIAN BERNARD & Design | 2382735 | Christian Bernard Diffusion | Class 14 |
| CHRISTIAN BERNARD | 2508879 | Christian Bernard Stores Corporation | Class 14, 42 |
| CHRISTIAN TSE | 2657542 | Christian Hoa Tse | Class 14 |
| JOHN CHRISTIAN | 2278405 | Worldwide Jr. Wood d/b/a John Christian Company | Class 14 |
| CHRISTIAN DIOR | 1468222 | Christian Dior, S.A. | Class 14 |
| CHRISTIAN DIOR | 0580207 0519367 | Christian Dior Couture, S.A. | Class 14 |
| CHRISTIAN DIOR | 0639714 | Christian Dior Couture, S.A. | Class 25 |
| CHRISTIAN DIOR Stylized | 0592225 | Christian Dior Couture, S.A. | Class 25 |
| CHRISTIAN BERG | 3018056 | Anson's Herrenhaus KG | Classes 3, 18, 25 |
| CHRISTIAN & Design | 2593706 | Gabriel Tennberg d/b/a Christian International | Class 25 |
| CHRISTIAN MICHELE | 2520926 | Group USA | Class 25 |
| CHRISTIAN GIORGIU | 2434281 | American Design Group, Inc. | Class 25 |
| CHRISTIAN GAINES | 2775941 | Troyal G. Brooks | Class 25 |
| CHRISTIAN ALESSIA | 2443720 | Constantino Congiu Cecchi | Class 25 |
| CHRISTIAN TRAPANI | 2133228 | V.S. Sport, Ltd. | Class 25 |
| CHRISTIAN A. | 1879842 | Christian A. Inc | Class 25 |
| CHRISTIAN DE CASTELNAU | 1475100 | CHRISTIAN SARRAMIA DE CASTELNAU | Class 25 |

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| CHRISTIAN LOUBOUTIN Stylized | 1816940 | CHRISTIAN LOUBOUTIN | Class 25 |
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KLEIN

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|----------------|--------------------|--|-----------------------|
| ANNE KLEIN | 1006943 1049090 | Jones Investment Co. Inc. | Class 25 |
| CALVIN KLEIN | 1086041 | Calvin Klein Trademark Trust | Class 25 |
| CALVIN KLEIN | 1226396 | Calvin Klein Trademark Trust | Classes 3, 16, 24, 25 |
| MICHEL KLEIN | 1395833 2920377 | Michel Klein | Class 25 |
| ANNE KLEIN II | 1425808 | Jones Investment Co. Inc. | Class 25 |
| JULIA KLEIN | 1581671 | Sharilove Fashions | Class 25 |
| CHARLES KLEIN | 1905702 | Burlington Coat Factory Warehouse Corp. | Class 25 |
| FRANKLIN KLEIN | 2354070 | Makalot USA, Inc. | Class 25 |
| KLEIN Stylized | 2801733 | Steven H. Klein d/b/a Klein Acoustic Guitars | Class 15, 25 |

REBECCA

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|-------------------|-----------------|-------------------------------------|----------------|
| REBECCA'S Design | 1431259 | Rebecca C. Temple d/b/a Rebecca's | Class 25 |
| REBECCA MOSES | 1495162 | Studio Enterprises, Inc. | Class 25 |
| REBECCA LYNN | 1482447 | Branded LLC | Class 25 |
| REBECCA STONE | 1618870 | B.N.B. LLC | Class 25 |
| REBECCA TAYLOR | 2132863 | Rebecca Taylor | Class 25 |
| REBECCA TAYLOR | 2919208 | Rebecca Taylor | Class 14 |
| CATHERINE REBECCA | 2281397 | NSR, Inc. | Class 25 |

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| REBECCA MALONE | 2821443 | Specialty Retailers, Inc. | Classes 14, 25 |
| REBECCA V. Stylized | 2653238 | The Lunada Bay Corporation | Classes 9, 18, 24, 25 |
| REBECCA JONES | 2617542 | Jeffery Zinn | Class 25 |
| REBECCA JEWELL | 2585184 | Rebecca Jewell | Class 25 |
| REBECCA BEESON | 2994668 | Rebecca Beeson Inc. | Class 25 |
| RGD REBECCA GODSON DESIGN | 3050085 | Rebecca Godson | Class 14 |

TOMMY

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|--------------------------------|--------------------|------------------------------|-----------|
| TOMMY | 2389024 2475142 | Tommy Hilfiger Licensing LLC | 25 |
| TOMMY HILFIGER | 1995802 | Tommy Hilfiger Licensing LLC | 3, 18, 25 |
| TOMMY HILFIGER | 2162940 | Tommy Hilfiger Licensing LLC | 14, 25 |
| TOMMY HILL | 1173426 | Tommy Hilfiger Licensing LLC | 25 |
| TOMMY GIRL | 2499283 | Tommy Hilfiger Licensing LLC | 25 |
| TOMMY SPORT | 2923577 | Tommy Hilfiger Licensing LLC | 25 |
| TOMMY BAHAMA | 1802812 | Tommy Bahama Group, Inc. | 25 |
| TOMMY BAHAMA | 2551210 | Tommy Bahama Group, Inc. | 14 |
| TOMMY BOY | 2478731 | Tommy Boy Music, Inc. | 25 |
| TOMMY-ATO & Design | 2563997 | Joalan Enterprises Ltd. | 25, 28 |
| TOMMY NUTTER | 2297727 | J&J Crombie Limited | 3, 25 |
| TOMMY TUCKER T-SHIRTS & Design | 2683749 | Tommy Tucker T-Shirts, Inc. | 25 |

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| TOMMY & OSCAR Design | 2645168 | Rainbow - S.R.L. | 16, 25, 28 |
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EMILIO

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|-----------------------------|-----------------|-------------------------------------|---|
| EMILIO | 0850256 | Emilio Pucci International B.V. | Class 25 |
| EMILIO PUCCI | 1675914 | Emilio Pucci International B.V. | Class 25 |
| EMILIO PUCCI | 1687909 | Emilio Pucci International B.V. | Class 25 |
| EMILIO PUCCI | 3029721 | Emilio Pucci International B.V. | Class 25 |
| EMILIO PUCCI | 3218199 | Emilio Pucci International B.V. | Class 18 |
| EMILIO PUCCI | 3382298 | Emilio Pucci International B.V. | Class 14 |
| EMILIO FRANCO | 1650826 | Pelar, Inc. | Class 25 |
| EMILIO FRANCO | 2500779 | Pelar, Inc. | Class 25 |
| EMILIO FRANCO & Design | 2488618 | Pelar, Inc. | Class 25 |
| EMILIO FRANCO & Design | 2512573 | Pelar, Inc. | Class 25 |
| EMILIO ROBBA | 1933336 | Emilio Robba S.A.R.L. | Classes 3, 11, 14, 18, 20, 21, 24, 25, 26, 27, 28 |
| EMILIO VISCONTI EV & Design | 2160957 | European Classic, Ltd. | Class 25 |
| Y EMILIO YUSTE | 2717284 | Emilio Yuste Gonzalez | Class 25 |
| E EMILIO SACCI | 3218199 | Sirketi Limited Comany | Class 25 |

REYES

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
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| ERNIE REYES | 2620042 | Ernie Reyes | Classes 25 and 41 |

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| RÉYES | 2940953 | Rema Group, LLC | Class 25 |
| REYES THOMPSON ABSOLUTE POWER | 2712598 | Reyes West Coast Marshall Arts Association | Classes 25 and 41 |

CYNTHIA

| MARK | REG. NO. | REGISTRANT/LAST LISTED OWNER | CLASSES |
|------------------------------|-----------------|-------------------------------------|-------------------|
| CYNTHIA STEFFE | 1569876 | Bernard Chaus, Inc. | Class 25 |
| CYNTHIA MAX | 2072392 | California Apparel, Inc. | Class 25 |
| CYNTHIA CYNTHIA STEFFE | 2224693 | Bernard Chaus, Inc. | Class 25 |
| CYNTHIA TAYLOR | 2470599 | Home Shopping Club | Class 25 |
| CYNTHIA K. CANTER | 3364407 | Cynthia K. Canter | Class 25 |
| CYNTHIA BRADLEY | 3059966 | Caspian Casuals Corporation | Class 25 |
| CYNTHIA WELLS & Design | 3060231 | Cynthia Y. Wells | Class 25 |
| CYNTHIA ROWLEY | 3212424 | Cynthia Rowley | Class 25 |
| CYNTHIA VINCENT | 3144969 | Cynthia Vincent | Classes 18 and 25 |
| CYNTHIA ROWLEY | 3306021 | Cynthia Rowley | Class 18 |
| CYNTHIA ROWLEY | 3300792 | Cynthia Rowley | Class 18 |
| CYNTHIA H. DESIGNS | 3286201 | Cynthia S. Holvey | Classes 14 and 18 |
| CYNTHIA POWERS | 2468264 | Egana of Switzerland | Class 14 |
| CYNTHIA ROWLEY | 2357781 | Cynthia Rowley | Class 14 |
| CYNTHIA NASH | 3146560 | Cynthia Nash, Ltd. | Class 14 |

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| CYNTHIA RYBAKOFF & Design | 3132609 | Cynthia Shapoff | Class 14 |
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Attached hereto as Exhibit A are printouts of these marks from the Trademark Electronic Search System (“TESS”) and the Trademark Applications and Registrations Retrieval (“TARR”) system on the United States Patent and Trademark Office website found at www.uspto.gov.

10. Attached hereto as Exhibit B are printouts from the Charlotte Russe and Charlotte Tarantola websites showing the marks as currently being used in commerce to sell apparel and jewelry, among other products.

11. Included below are examples found following a search of the PTO database of third-party registrations for marks that incorporate the name “Charlotte.” These marks coexist on the principal register for use on the same or highly related goods:

| MARK | REG. NO. | REGISTRANT/ LAST LISTED OWNER | CLASSES | REG. DATE |
|-----------------|-----------------|--|----------------|------------------|
| CHARLOTTE RUSSE | 2416268 | Charlotte Russe Merchandising, Inc. | Class 18 | 12/26/00 |
| CHARLOTTE RUSSE | 2416273 | Charlotte Russe Merchandising, Inc. | Class 25 | 12/26/00 |
| CHARLOTTE RUSSE | 2451427 | Charlotte Russe Merchandising, Inc. | Class 3 | 5/15/01 |
| CHARLOTTE RUSSE | 2416269 | Charlotte Russe Merchandising, Inc. | Class 14 | 12/26/00 |
| CHARLOTTE RUSSE | 2414477 | Charlotte Russe Merchandising, Inc. | Class 42 | 12/19/00 |
| CHARLOTTE RUSSE | 2416270 | Charlotte Russe Merchandising, Inc. | Class 26 | 12/26/00 |

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| CHARLOTTE RUSSE Stylized | 1485692 | Lawrence Merchandising Corporation | Class 42 | 4/19/88 |
| CHARLOTTE Stylized | 2117619 | Ehringer-Schwarz GMBH & Co. KG | Class 14 | 12/2/97 |
| CHARLOTTE CORDAY | 2754463 | JJJ International LLC | Class 25 | 8/19/03 |
| CHARLOTTE'S ROOM | 2502628 | Charlotte Russe Merchandising, Inc. | Class 35 | 10/30/01 |

Attached hereto as Exhibit C are TESS and TARR printouts of the above-referenced marks.

12. Attached hereto as Exhibit D are true and correct copies the trademark registrations issued to CHARLOTTE RUSSE, including Registration No. 2416273 in Class 25 for clothing; Registration No. 2416270 in Class 26 for hair ornaments; Registration No. 2416269 in Class 14 for costume jewelry; Registration No. 2416268 in Class 18 for handbags and other related goods; Registration Nos. 2414477 and 1485692 in Class 42 for retail store services specializing in women's apparel and accessories; and Registration No. 2451427 in Class 3 for cosmetics.

13. GMA filed its first trademark applications for CHARLOTTE – Serial Nos. 75/403210, 75/403211 and 75/403212 – on December 10, 1997. Attached hereto as Exhibit E are TESS and TARR printouts of those applications.

14. Attached hereto as Exhibit F are GMA's declarations, made upon filing its trademark applications, in which GMA swore that “no other person, firm, corporation or association has the right to use such mark in commerce, with an identical form **or in such near resemblance thereto as may be likely**, when applied to the services of such other person, **to cause confusion, or to cause mistake, or to deceive**.” Altirs Declarations, dated December 10, 1997, Application Serial Nos. 75/403,211, 75/403,212 (emphasis added).²

² The declaration in support of application serial no. 75/403,210 is not available online and has not yet been

15. At that time, several other registered marks existed which used CHARLOTTE in combination with another word. True and correct copies of those registrations are attached hereto as Exhibit G, to the extent not previously attached. They include the following:

- CHARLOTTE RUSSE, filed August 19, 1998, based on first use in commerce of October 26, 1991, which issued as U.S. Registration No. 2,416,273 on December 26, 2000 for clothing, namely dresses, pants, shorts, skirts, blouses, jumpers, overalls, knit and woven tops, sweaters, t-shirts, pajamas, nightgowns, robes, loungewear, lingerie, slips, undergarments, panties, casual and dressy shoes, sandals, boots, sweatpants, sweatshirts, sweatsuits, tights, leggings, and socks; performance wear, namely jerseys, bicycle pants and gymnastic suits; sportswear, namely pants and shirts, swimwear, swimsuit cover-ups and leotards, tights, socks, shorts; outerwear, namely jackets, vests, coats, shells; and headgear, namely hats, caps, headbands, visors, and belts.³
- CHARLOTTE STING, filed December 11, 1996, based on a first use in commerce of June 1996, which issued as U.S. Registration No. 2,232,708 on March 16, 1999 for clothings, namely, hosiery, footwear, T-shirts, sweatshirts, sweatpants, pants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, belts, ties, nightshirts, hats, warm-up suits, jackets, parkas, coats, cloth bibs, head bands, wrist bands, aprons, boxer shirts, slacks, caps, ear muffs and gloves.
- UNC CHARLOTTE, filed June 19, 1991, based on a first use in commerce of 1986, which issued as U.S. Registration No. 1,727,518 on October 27, 1992, for, *inter alia*, sweatshirts, T-shirts, polo shirts, shorts, trunks, hats, sweats, and jackets.
- CHARLOTTE HORNETS, filed July 10, 1987, based on a first use in commerce of June 15, 1987, which issued as U.S. Registration No. 1,650,195 on July 9, 1991, for clothing, namely tee shirts.
- CHARLOTTE FORD, filed January 12, 1977, based on a first use in commerce of September 8, 1976, which issued as U.S. Registration No. 1,098,854 on August 8, 1978, for women's apparel, namely, sweaters, scarves, pants, blouses, skirts, jackets, blazers, handkerchiefs, dresses, sweater coats and suits. (Expired May 11, 1999).
- CHARLOTTE CHECKERS, filed March 20, 1996, based on a first use in commerce in class 25 of October 31, 1993, which issued as U.S. Registration No. 2,090,707, for, *inter alia*, in class 25, shirts; t-shirts; sweatshirts; jerseys; sweaters; hats; jackets.

produced by GMA.

³ As noted above, Charlotte Russe had a prior registration for retail store services with a first use date of November 4, 1975 and prior registrations for clothing with first use dates of January 7, 1979 (cancelled October 7, 1987) and August 1, 1986 (cancelled June 19, 1995). See U.S. Registration Nos. 1,150,497, 1,485,692, 1,516,446.

- CHARLOTTE SAYVILLE, filed October 1, 1993, based on a first use in commerce of December 31, 1965, which issued as U.S. Registration No. 1,860,139 on October 25, 1994, for retail store services in the field of men's, women's and children's clothing, accessories, shoes and general dry goods (expired November 4, 2001), and U.S. Registration No. 1,345,202 which issued on June 25, 1985, for retail store services in the fields of women's clothing and shoes. (Expired April 1, 2006).
- CHARLOTTE, filed August 2, 1996, which issued to Wolf-Peter Schwarz as U.S. Registration No. 2,117,619, on December 2, 1997, for jewelry made of natural, precious and nonprecious materials, namely, of gold, silver, platinum, iron, wood, leather, gemstones, ivory; jewelry, namely, pins, cuff links, earrings, necklaces; jewelry in the nature of hand, arm and leg ornaments made of the above material, namely, rings, bracelets, pins and broaches; watches.

16. Attached hereto as Exhibit H is a true and correct copy of John Bostany's letter to Chief Judge Wood, dated March 17, 2008.

17. Attached hereto as Exhibit I is a true and correct copy of GMA's Brief in Support of its Motion to Dismiss in the *Sanei* Case.

18. Attached hereto as Exhibit J is a true and correct copy of the Declaration of Andrew Sweeney, dated November 19, 2007, which was filed in the *Sanei* Case.

19. Attached hereto as Exhibit K is a true and correct copy of Ronson's Requests for Admissions, dated December 12, 2007, which were served on GMA in the *Sanei* Case.

20. Attached hereto as Exhibit L is a true and correct copy of GMA's Responses to Ronson's Requests for Admissions, dated January 11, 2008, which were served on Ronson in the *Sanei* Case.

21. Attached hereto as Exhibit M is a true and correct copy of GMA's Supplemental Responses to Requests for Admissions, dated February 28, 2008 and March 25, 2008, which were served on Ronson in the *Sanei* Case.

22. Attached hereto as Exhibit N is a true and correct copy of the letter from GMA's counsel to Charlotte Russe Merchandising, Inc. ("Russe"), dated March 9, 2001.

23. Attached hereto as Exhibit O is a true and correct copy of the letter from Russe's counsel to GMA's counsel, dated March 19, 2001.

24. Attached hereto as Exhibit P is a true and correct copy of GMA's counsel's response letter to Russe's counsel, dated March 20, 2001.

25. Attached hereto as Exhibit Q is a true and correct copy of the letter from GMA's counsel, dated August 18, 2000, which was filed in connection with the prosecution of Serial Number 75/857,222 for CHARLOTTE related to clothing, wherein GMA argued that its CHARLOTTE mark was not confusingly similar with the registered mark CHARLOTTE SAYVILLE for retail store services, in part, because the CHARLOTTE SAYVILLE mark had to be considered as a whole and will not lead to a likelihood of confusion of the public.

26. Attached hereto as Exhibit R is a true and correct copy of *S.E.C. v. Platinum Investment Corp.*, 98 Fed. Appx. 33 (2d Cir. 2004).

27. GMA requested that Ronson's counsel sign a stipulation consenting to the addition of a number of Ronson's retailers as counterclaim defendants in the *Sanei* Case. GMA's counsel sent a stipulation to Ronson's counsel on or about March 25, 2008. That same day Ronson's counsel made changes to the stipulation and return a signed copy to GMA's counsel via email. To date, GMA's counsel has failed to file the stipulation with the Court or return a fully executed stipulation to Ronson's counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 11, 2008

/s/ Mary L. Grieco
Mary L. Grieco